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| Notice of Allowability | Application No. | Applicant(s) | |
| | 10/743,461 | SCHERB ET AL. | |
| | Examiner | Art Unit | |
| | Eric Hug | 1731 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the interview of 4/19/2007.
2. ☒ The allowed claim(s) is/are 1-33.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☒ Certified copies of the priority documents have been received in Application No. 09/471,369.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| <ol style="list-style-type: none"> 1. <input type="checkbox"/> Notice of References Cited (PTO-892) 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date _____ 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material | <ol style="list-style-type: none"> 5. <input type="checkbox"/> Notice of Informal Patent Application 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413), Paper No./Mail Date _____ 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance 9. <input type="checkbox"/> Other _____ |
|---|--|

Art Unit: 1731

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

The application has been amended as follows:

CROSS-REFERENCE TO RELATED APPLICATIONS

[0001] The present application is continuation of U.S. Patent Application No. 09/471,369, filed on December 23, 1999, now abandoned, and claims priority under 35 U.S.C. § 119 of German Patent Application No. 198 60 687.7 filed on December 29, 1998, the disclosures of which are expressly incorporated by reference herein in their entireties.

Allowable Subject Matter

Claims 1-33 are allowed.

The following is an examiner's statement of reasons for allowance:

The prior art does not disclose or suggest a machine comprising a shoe pressing unit and Yankee drying cylinder arranged to form at least one press nip, and a water absorbent carrier band and a water-impermeable pressing band guided through the at least one press nip, wherein the at least one press nip has a length in a web travel direction greater than approximately 80 mm, and wherein a pressure profile over the press nip length has a maximum pressing pressure of less than or equal to approximately 2 MPa. The claims are allowed for reciting at least this combination of the nip length and maximum pressing pressure for a press nip formed by a shoe pressing unit and Yankee cylinder.

The closest prior art, Edwards (applied previously), discloses a press nip formed by a shoe pressing unit and Yankee drying cylinder. Edwards discloses a range of press shoe lengths (not the same as the nip length) that when used with a Yankee drying cylinder provide maximum pressing pressures exceeding 2 MPa.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Response to Arguments


In response to the decision by the Board of Patent Appeals and Interferences on November 3, 2006, and to Applicant's arguments filed January 3, 2007, the claims are allowed for the above reasons. Reference is made to interview summary of April 19, 2007.

In the BPAI decision of November 3, 2006, the Board reversed the examiner's rejection under 35 U.S.C. 102(e) over Edwards, and, under the provisions of 37 CFR 41.50(b), presented a new ground of rejection, under 35 U.S.C. 103(a) over Edwards. In Applicant's response of January 3, 2007, Applicant requested to reopen prosecution and traversed the Board's new ground of rejection. In the office action mailed January 19, 2007, the examiner agreed to reopen prosecution and deemed Applicant's arguments persuasive. The examiner also presented a revised rejection under 35 U.S.C. 102(e) over Edwards. Upon reconsideration, this rejection has been withdrawn for not complying with the provisions of 37 CFR 41.50(b). Under 37 CFR 41.50(b), a new ground of rejection set forth by the Board is binding upon the examiner unless Applicant overcomes the new ground of rejection stated in the decision. Because Applicant has overcome the rejection under 37 CFR 41.50(b), allowance of the application is appropriate.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric Hug whose telephone number is 571 272-1192.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steven Griffin can be reached on 571 272-1189. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Eric Hug

ERIC HUG
PRIMARY EXAMINER